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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,803	08/22/2003	Golnaz Shobeiri	026259-00001	8126

4372 7590 05/17/2005

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EXAMINER

PRONE, CHRISTOPHER D

ART UNIT	PAPER NUMBER
	3738

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/645,803	SHOBEIRI, GOLNAZ
	Examiner	Art Unit
	Christopher D Prone	3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) 1-9 and 16-20 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 10-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of group 1 and species 2 relating to claims 10-15 in the reply filed on 4/07/05 is acknowledged. Claims 1-9 and 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 1,232,617 J. L. Shipp.

In regards to claims 10 and 11, Shipp discloses the same invention being a hair removal device, comprising: a spiral spring (1) with first and second handles (3) shown in figures 1-4 of Shipp.

In regards to claim 15, Shipp discloses the same invention being a hair removal device with all the claimed structure. Claim 15 recites that "the device is usable to remove hairs by expanding the device to the expanded configuration via the first and second handles, receiving a hair in the spring-like mechanism while the mechanism is in the expanded configuration, and entrapping the hair within the spring-like mechanism by

allowing the mechanism to return to the unexpanded configuration," which is considered intended use and not give patentable weight because the Device of Shipp is fully capable of performing this process.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Application Publication 2002/0128664 Moghadam.

In regards to claims 10 and 11, Moghadam discloses the same invention being a hair removal device, comprising: a spiral spring (12) with first and second handles (18) shown in figures 1-3 of Moghadam.

In regards to claim 12, Moghadam discloses the same invention being a hair removal device, wherein the first and second handles comprise plastic described in paragraph [0019] on lines 8-10.

In regards to claims 13 and 14, Moghadam discloses the same invention being a hair removal device, wherein the first and second handles comprise a roughened surface formed by raised studs (20) shown in figures 1-3 of Moghadam. In paragraph

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[0019] on lines 8-12, Moghadam describes the handles as having raised projections (20) and grooves (22) that form an irregular or rough surface that facilitates gripping.

In regards to claim 15, Moghadam discloses the same invention being a hair removal device with all the claimed structure. Claim 15 recites that "the device is usable to remove hairs by expanding the device to the expanded configuration via the first and second handles, receiving a hair in the spring-like mechanism while the mechanism is in the expanded configuration, and entrapping the hair within the spring-like mechanism by allowing the mechanism to return to the unexpanded configuration," which is considered intended use and not give patentable weight because the Device of Moghadam is fully capable of performing this process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D Prone whose telephone number is (571) 272-6085. The examiner can normally be reached on Monday Through Fri 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP
CDP

A. Stewart
ALVIN J. STEWART
PRIMARY EXAMINER